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| 09/922,425 | 08/03/2001 | Gary Mittman | R258-DB | 7477 |
| 31718 7590 03/04/2009 BELASCO, JACOBS & TOWNSLEY LLP HOWARD HUGHES CENTER 6100 CENTER DRIVE SUITE 630 LOS ANGELES, CA 90045 | | | | |
| EXAMINER RETTA, YEHDEGA | | | | |
| ART UNIT 3622 | | PAPER NUMBER | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GARY MITTMAN
and
ETHAN JOFFE

Application No. 09/922,425
Technology Center 3600

Mailed: March 3, 2009

Before PAMELA S. BENNETT, *Review Team Paralegal*.
BENNETT, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on February 9, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S ANSWER, MISSING REFERENCE

The Examiner relied upon "Intel's Pentium II gets \$20 mil intro (Intel launching Pentium II microprocessor worldwide on 5/7/97 backed by \$20 mil ad campaign)" Advertising Age, v68, n18, p16, May 5, 1997, in rejecting the claims. This reference was also cited on a PTO-892 mailed August 5, 2004. A copy of this reference appears to be missing from the Image File Wrapper (IFW). Correction is required.

CONCLUSION

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) to obtain a copy of the Intel's Pentium II article;
 - 2) to complete the record by having the article scanned into the IFW;
- and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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